

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

OPEN TEXT S.A.,
Plaintiff,

v.

BOX, INC., et al.,
Defendants.

Case No. 13-cv-04910-JD

**SUPPLEMENTAL PRELIMINARY
JURY INSTRUCTION**

The Court will give the jury the attached jury instruction regarding questions to witnesses and provide copies of the attached form.

IT IS SO ORDERED.

Dated: January 31, 2015



JAMES DONATO
United States District Judge

INSTRUCTION ON QUESTIONS TO WITNESSES BY JURORS

You will be allowed to propose written questions to witnesses after the lawyers have completed their questioning of each witness. You may propose questions in order to clarify the testimony, but you are not to express any opinion about the testimony or argue with a witness. If you propose any questions, remember that your role is that of a neutral fact finder, not an advocate.

Before I excuse each witness, I will offer you the opportunity to write out a question on a form provided by the court. Do not sign the question. I will review the question with the attorneys to determine if it is legally proper.

There are some proposed questions that I will not permit, or will not ask in the wording submitted by the juror. This might happen either due to the rules of evidence or other legal reasons, or because the question is expected to be answered later in the case. If I do not ask a proposed question, or if I rephrase it, do not speculate as to the reasons. Do not give undue weight to questions you or other jurors propose. You should evaluate the answers to those questions in the same manner you evaluate all of the other evidence.

By giving you the opportunity to propose questions, I am not requesting or suggesting that you do so. It will often be the case that a lawyer has not asked a question because it is legally objectionable or because a later witness may be addressing that subject.

Source

Ninth Circuit Model Civil Jury Instruction 1.15.

Open Text S.A. v. Box, Inc. and Carahsoft Technology Corp.
United States District Court, Northern District of California
Case No. 3:13-cv-04910-JD

JUROR QUESTION FORM

Please use this form to propose questions to be asked to a witness. Do not sign the form. After the witness is done testifying, hand the form to the courtroom deputy. Please remember that in proposing questions, your role is that of a neutral fact-finder, not an advocate.

Name of witness: _____

Question(s):

TO BE FILLED OUT BY THE COURT:

Date and time question was proposed:

Question asked? (Yes/No/As revised):